

Serial No. 10/650,208  
Page 6

### REMARKS

This amendment is in response to the Office Action mailed on August 31, 2004 wherein Claims 1-26 were rejected. Claims 27, 28, and 29 have been added and Claims 1-29 remain pending.

#### Claim Rejections Under 35 USC §102 and 103

On page 2 of the Office Action, the Examiner rejected Claim 1-26 under 35 USC §102(e) as being anticipated by Yamashita et al., Chung et al., Porter, or Buchanan. On page 2 of the Office Action, the Examiner rejected Claim 1-26 under 35 USC §102(b) as being anticipated by Lentz or in the alternative under 35 USC §103 as obvious over Lentz et al.

The Examiner has failed to make a prima facie case of anticipation or obviousness with regards to the present claims. The Examiner has failed to explain how and why the claimed subject matter is rendered unpatentable over the prior art and point out where each of the specific limitations recited in the rejected claims is found in the prior art relied on. Applicants request that the Examiner clearly point out the elements of the present claimed invention in the above cited art.

The Examiner asserted on page 3 of the Office Action that "As broadly recited, heat or temperature state of a friction device is calculated and the flow of fluid is controlled to cool a friction device. Note that an artisan recognizes that the cooling of heated friction devices is conventional and desirable in order to extend the useful life of the friction device and to promote its effective operation." Applicants reject the Examiner's assertion and request the Examiner to provide support for his rejections in the relevant art. If the Examiner relies on personal knowledge that the method or apparatus of the present invention is obvious, Applicants respectfully request support for this assertion in the form of an affidavit that shall be subject to contradiction or explanation by the affidavits of the Applicants and other persons under 37 CFR 1.104(d)(2).

Serial No. 10/650,208

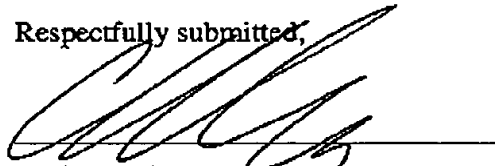
Page 7

Conclusion

The entire Office Action dated August 31, 2004 has been carefully reviewed, and this response is submitted as being fully responsive thereto. In view of the preceding remarks, Applicants respectfully submit that Claims 1-29 are in condition for allowance and respectfully request such action at the Examiner's earliest convenience. If the Examiner believes that personal contact would be advantageous to the disposition of this case, he is requested to call the undersigned at his earliest convenience.

Please charge any fees, which may be due, to Deposit Account No. 07-0960.

Respectfully submitted,



Christopher DeVries - Attorney

Reg. No. 44,654

Telephone: 313-665-4969